

## City of San José Board of Fair Campaign and Political Practices

Chair—Adrian Gonzales  
Vice Chair - Vacant  
Member—Joe Lopez  
Member—Louis Silver  
Member—Isabella Nyakundi  
Member – Daniel Damma

Mark Vanni, Deputy City Attorney—Staff  
Toni Taber, City Clerk—Staff  
Joy Rodriguez, Assistant City Clerk—Staff

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### **DRAFT MEETING MINUTES**

**May 12, 2021**

**5:30 p.m.**

#### **\* COVID-19 NOTICE \***

*Consistent with the California Governor's Executive Order No. N-29-20, City of San Jose's Resolution No. 79485, and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the Board of Fair Campaign and Political Practices meeting will not be physically open to the public and the Commissioners will be teleconferencing from remote locations.*

#### **I. Call to Order & Orders of the Day**

##### **Roll Call**

PRESENT: Chair Adrian Gonzales, Board Members Joe Lopez, Isabella Nyakundi, and Daniel Damma

ABSENT: Board Member Louis Silver

STAFF: Deputy City Attorney Mark Vanni, Assistant City Clerk Joy Rodriguez, City Clerk Toni Taber

OTHER: Presenters from Code for San José: Open Disclosure – Ryan Walek and Darren Pham; Members of the Public Eunecia Tactay, Ian McNellis, and Prince Sahota

The members of the San José Board of Fair Campaign and Political Practices convened virtually via remote teleconferencing at 5:32 p.m.

Action: Upon motion by Board Member Joe Lopez, seconded by Board Member Isabella Nyakundi, and carried unanimously, the Board approved the adoption of the May 12, 2021 agenda.(4-0-1. Absent: Silver)

#### **II. Closed Session – None**

#### **III. Hearings – None**

#### **IV. Public Record – None**

#### **V. Consent Calendar**

Action: Upon motion by Board Member Joe Lopez to, seconded by Board Member Isabella Nyakundi, and carried unanimously, the Board approved the Minutes of the April 14, 2021 Regular Meeting. (4-0-1. Absent: Silver)

## **VI. Reports**

- A. Chair – Chair Adrian Gonzales congratulated Board Member Daniel Damma for his appointment and reminded that selection for Vice Chair would be agendaized for next regular meeting.

Board Member Joe Lopez informed the Board that he was activated as member of Civil Grand Jury as of April 22, 2021.

- B. City Attorney – No report.
- C. City Clerk – No report.
- D. Investigator/Evaluator – No report.

## **VII. Old Business**

- A. Discussion and possible action on report from Ad Hoc Committee for Complaint Intake Process. (Chair Adrian Gonzales/City Attorney)

Discussion: Chair Adrian Gonzales and Deputy City Attorney stated there were no updates at the moment.

- B. Discussion and possible action on biennial review of San Jose Municipal Code Title 12, City Council Resolution 78390 and other administrative policies.  
Suggested Revisions to the SJMC Title 12 and Resolution 78390 (City Clerk)

Discussion: Chair Adrian Gonzales gave background information to update the new members of the Board.

- C. Discussion of City Council Referral from July 28, 2020: proposed campaign finance and conflict of interest reforms, board and commission reforms, and lobbyist and contractor restrictions. ([Ad Hoc Status Update Report](#))

Discussion: Chair Adrian Gonzales presented a status update report, provided more clarity to the summary of proposals from City Council and further explanation of State and Local Gift Rules, with Summary of Reported Gifts by San José Elected Officials for 2019. Update was also provided for the research methodology with proposed scope of work for the Independent Evaluator which was approved by the Board in the April 14, 2021 regular meeting.

- D. Discussion of Campaign Finance Study Session from [April 20, 2021](#). (City Clerk/City Attorney)

Discussion: Deputy City Attorney Mark Vanni gave a short summary of the presentation made in the April 20, 2021 Council Meeting – Study Session. He stated that City Council directed the City Attorney’s Office to draft a proposal amending the Municipal Code in key areas --- Disclaimers for Independent Expenditures, key issues with Conflicts of Interest as related to Campaign Finance, Gifts; key issue is Disclaimer Requirements for Independent Expenditure Committees on advertisements. He also stated that the research is in its early stages; looking at presenting to Council before campaign contribution period begins in December 2021. City Clerk Toni Taber stated that Office of the City Clerk was directed by Council to come back with a budget proposal. Chair Adrian Gonzales stated that he contacted Council District 2 Office for clarification on the Code of Ethics of the previous memo submitted by Councilmember Jimenez and was advised to work with Charter Review Commission.

E. Collaboration with Charter Review Commission. (Chair Adrian Gonzales)

Discussion: Chair Adrian Gonzales stated he would reach out to the Chair and Vice Chair of the Charter Review Commission to discuss relevant topics from the Code of Ethics.

F. Discussion to direct [Hanson Bridgett](#) to conduct services in accordance to the Scope of Services --- Item No. 3 – Conduct investigations, reviews or evaluations of documents including reports, statements or forms filed with the City Clerk or a public agency; Item No. 4 – At the request of the Board, monitor compliance with the requirements of Title 12 of the San José Municipal Code and conduct audits. (Draft [Scope of Work](#)) (Chair Adrian Gonzales/City Attorney)

Discussion: Chair Adrian Gonzales presented the draft scope of work for Hanson Bridgett to assist in research and compiling finance reports from 2020 primary and general elections campaign contributions, and analysis to be presented to the Board. Deputy City Attorney Mark Vanni stated that he would put together a proposal to be presented to Steve Miller (Hanson Bridgett consultant) and get his feedback.

Public Comment from Zoom chat: Public member Prince Sahota asked if the US Supreme Court case of Citizens United or California Prop 59 have any relevance to the committee. Deputy City Attorney confirmed Citizens United does but would research with regard to California Prop 59.

G. Scheduling of Special Board meeting if needed. (City Clerk)

No discussion.

## VIII. New Business

A. Scheduling of in-depth training for the Board to discuss San José Campaign Finance. (City Attorney)

Discussion: Deputy City Attorney Mark Vanni stated he would do a presentation regarding San José Campaign Finance Laws. Board Member Isabella Nyakundi suggested to have a separate meeting and City Clerk's Office would do a survey of availability for late June or late July.

- B. Discussion and possible action to evaluate a partnership with [Code for San José: Open Disclosure](#). (Presentation from Ryan Walek, Code for San José)

Discussion: Darren Pham started the presentation by describing what the organization is about and their goal of promoting local government accountability. He talked about what Open Disclosure is, specifically making finance disclosures accessible and transparent to the residents of San José. Ryan Walek presented information regarding what they can do and how they can assist with current Council direction regarding campaign finance. He also demonstrated their current website's aggregated information of local candidates' campaign finance information from the general and primary elections. He then stated how their organization can work with the Board as well as City staff.

City Clerk Toni Taber stated she would love to work with the organization and also talked about how SouthTech Systems hosting site would work to make it easier to pull data. Deputy City Attorney Mark Vanni asked if access or links to raw data/reports can also be provided if technically possible. Board Member Joe Lopez asked how far along is the organization with analysis of independent expenditures, Ryan Walek stated they have the raw data but still working on how to present the information in the website.

Action: Chair Adrian Gonzales proposed to create an Ad Hoc Committee to meet periodically with Open Disclosure San José which would be added to the next meeting agenda.

**IX. Public Comment – None.**

**X. Meeting Schedule and Agenda Items**

The next regular meeting is scheduled for June 9, 2021 at 5:30 p.m. via remote teleconferencing.

**XI. Adjournment**

Action: Upon motion by Board Member Joe Lopez, seconded by Isabella Nyakundi and carried unanimously, the Board approved to adjourn the meeting at 6:40 p.m. (4-0-1.

Absent: Silver)

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ADRIAN GONZALES, CHAIR

ATTEST:

BOARD OF FAIR CAMPAIGN AND POLITICAL PRACTICES SECRETARY

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TONI J. TABER, CMC  
CITY CLERK